IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5463 OF 2005

Ramjit Yadav. ...Petitioner.
Vs.
The Head Master, C/o. Hindi School & Ors. ...Respondents.
....
Ms. Ragini Rao i/b. Mr. Mihir Desai for the Petitioner.
Mr.A. G. Kothari for Respondent Nos.1 and 2.
Mrs. M. P. Thakur, AGP for Respondent No.3.
.....
CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

February 8, 2006.

P.C.

Rule. Heard forthwith.

The Petitioner approached this Court seeking a direction against the management to allow the Petitioner to resume his duties as Hindi Teacher. The case of the Respondent-Management as reflected in the affidavit is that the Petitioner was not on duty since 18th November 1998 and in terms of the rules, it is deemed that the Petitioner has abandoned the services.

At the hearing of this petition, private parties agree that the matter can be revolved without permitting the Petitioner to resume services and that the Petitioner will be deemed to have

voluntarily retired with effect from 18th November 1998. Based on this agreement between the Petitioner and the management, the petition can be disposed of by issuing the following directions:

-(i) The Petitioner will be deemed to have voluntarily retired with effect from 18th November 1998;

-(ii) The Respondent-Management to forward the case papers of the Petitioner for pension and other benefits which the Petitioner will be entitled to pursuant to the voluntary retirement within a period of six weeks from today;

-(iii) On receipt of the papers, the Respondent-State and its authorities to consider the case of the Petitioner and dispose of accordingly to law, at any rate, not later than six months from the receipt of the case papers;

The petitioner agrees that as the Petitioner has been treated as voluntarily retired from 19th November 1998. The Petitioner has no further claim against the the Respondent-management. The statement made on behalf of the Petitioner is

accepted.

Rule is made absolute accordingly. No order as to costs.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)